

## IN THE U.S. PATENT AND TRADEMARK OFFICE

April 14, 1998

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For  
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Applicants : Hidenari YASUI et al  
For : PROCESS AND APPARATUS FOR BIOLOGICAL  
TREATMENT OF AQUEOUS ORGANIC WASTES

Serial No. : 08/309 868 Group : 1302

Filed : September 21, 1994 Examiner: C. Sherrer

Atty. Docket  
No.: Yanagihara Case 28

Assistant Commissioner for Patents  
Washington, D. C. 20231

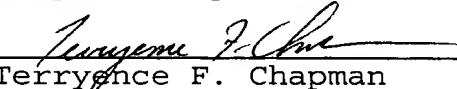
## LETTER TO EXAMINER

Sir:

In a communication from the Examiner dated March 19, 1998, the Examiner indicated that the Information Disclosure Statement filed December 24, 1997 failed to comply with 37 CFR 1.97(d) because it lacked a statement as specified in 37 CFR 1.97(e). Enclosed herewith for the Examiner's benefit is a copy of 37 CFR 1.97(e) (1) with the applicable portion therein encircled and a copy of Applicants' Information Disclosure Statement and Petition for Consideration dated December 19, 1997 in which the statement under 37 CFR 1.97(e) is contained and encircled.

Since the previously filed Information Disclosure Statement clearly complies with 37 CFR 1.97(e) and the Examiner clearly is mistaken, Applicants will await receipt of a communication from the Patent Office indicating that the information contained in said Information Disclosure Statement has been considered.

Respectfully submitted,

  
Terryence F. Chapman

TFC/smd

FLYNN, THIEL, BOUTELL & TANIS, P.C. 2026 Rambling Road Kalamazoo, MI 49008-1699 Phone: (616) 381-1156 Fax : (616) 381-5465	Dale H. Thiel David G. Boutell Ronald J. Tanis Terryence F. Chapman Mark L. Maki David S. Goldenberg Sidney B. Williams, Jr. Timothy B. Clise Liane L. Churney	Reg. No. 24 323 Reg. No. 25 072 Reg. No. 22 724 Reg. No. 32 549 Reg. No. 36 589 Reg. No. 31 257 Reg. No. 24 949 Reg. No. 40 957 Reg. No. 40 694
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Encl: Copy of 37 CFR 1.197(e)(1)  
Copy of Applicants' Information Disclosure Statement and  
Petition for Consideration, dated December 19, 1997

## Patent and Trademark Office, Commerce

## INFORMATION DISCLOSURE STATEMENT

## § 1.97 Filing of information disclosure statement.

(a) In order for an applicant for a patent or for a reissue of a patent to have an information disclosure statement in compliance with § 1.98 considered by the Office during the pendency of the application, it must satisfy paragraph (b), (c), or (d) of this section.

(b) An information disclosure statement shall be considered by the Office if filed by the applicant:

(1) Within three months of the filing date of a national application;

(2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or

(3) Before the mailing date of a first Office action on the merits, whichever event occurs last.

(c) An information disclosure statement shall be considered by the Office if filed by the applicant after the period specified in paragraph (b) of this section, provided that the statement is accompanied by either a certification as specified in paragraph (e) of this section or the fee set forth in § 1.17(p), and is filed before the mailing date of either:

(1) A final action under § 1.113; or

(2) A notice of allowance under § 1.311, whichever occurs first.

(d) An information disclosure statement shall be considered by the Office if filed by the applicant after the period specified in paragraph (c) of this section, provided that the statement is filed on or before payment of the issue fee and is accompanied by:

(1) A certification as specified in paragraph (e) of this section;

(2) A petition requesting consideration of the information disclosure statement; and

(3) The petition fee set forth in § 1.17(i).

(e) A certification under this section must state either:

(1) That each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, or

an application number and filing date thereto in an eye-readable form. The middle portion of the header shall be used by applicant to apply an eye-readable application identification such as the title and/or the first inventor's name. The attorney's docket number may be included. The final right-hand portion of the microfiche shall contain sequence information for the microfiche, such as 1 of 4, 2 of 4, etc.

(iv) Additional requirements which apply specifically to microfiche of filmed paper copy:

(A) The first frame of each microfiche submitted shall contain a test target.

(B) The second frame of each microfiche submitted must contain a fully descriptive title and the inventor's name as filed.

(C) The pages or lines appearing on the microfiche frames should be consecutively numbered.

(D) Pagination of the microfiche frames shall be from left to right and from top to bottom.

(E) At a reduction of 24:1, resolution of the original microfilm shall be at least 120 lines per mm. (5.0 target).

(F) An index, when included, should appear in the last frame (lower right-hand corner when data is right-reading) of each microfiche.

(v) Microfiche generated by Computer Output Microfilm.

(A) The first frame of each microfiche submitted should contain a resolution test frame.

(B) The second frame of each microfiche submitted must contain a fully descriptive title and the inventor's name as filed.

(C) The pages or lines appearing on the microfiche frames should be consecutively numbered.

(D) It is preferred that pagination of the microfiche frames be from left to right and top to bottom but the alternative, i.e., from top to bottom and from left to right, is also acceptable.

(E) An index, when included, should appear on the last frame (lower right-hand corner when data is right-reading) of each microfiche.

[5 CFR 42804, Aug. 19, 1996]

## IN THE U.S. PATENT AND TRADEMARK OFFICE

December 19, 1997

04/20/98  
Applicant(s): Hidenari YASUI et alFor : PROCESS AND APPARATUS FOR BIOLOGICAL  
TREATMENT OF AQUEOUS ORGANIC WASTES

Serial No. : 08/309 868 Group : 1302

Filed : September 21, 1994 Examiner: C. Sherrer

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No.: Yanagihara Case 28

COPY

The Commissioner of Patents and Trademarks  
Washington, D. C. 20231

**INFORMATION DISCLOSURE STATEMENT  
AND  
PETITION FOR CONSIDERATION**

Sir:

In compliance with the provisions of Rules 1.97(d)(1) and 1.98, Applicants respectfully petition for consideration of the prior art enclosed herewith and listed on the enclosed Form PTO-1449. A check in the amount of \$240 is enclosed.

In compliance with the provisions of Rule 97(e)(1), enclosed herewith is a copy of JP5-23688. Applicants were made aware of this patent in an Examination Report from an EPO examiner which was received by Applicants' associates in London on October 17, 1997 and by Applicants on November 7, 1997.

An English language abstract is attached to the aforesaid Japanese Patent. Accordingly, further comment at this point in time should not be necessary.

I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit

**COPY**

any overpayment, to Deposit Account No. 06-1382. A duplicate copy of this sheet is enclosed.

Further consideration is respectfully solicited.

Respectfully submitted,

IN DUPLICATE

TFC/smd	Terryence F. Chapman	
FLYNN, THIEL, BOUTELL & TANIS, P.C. 2026 Rambling Road Kalamazoo, MI 49008-1699 Phone: (616) 381-1156 Fax : (616) 381-5465	Dale H. Thiel David G. Boutell Ronald J. Tanis Terryence F. Chapman Mark L. Maki David S. Goldenberg Sidney B. Williams, Jr. Timothy B. Clise Liane L. Churney Mark P. Bourgeois	Reg. No. 24 323 Reg. No. 25 072 Reg. No. 22 724 Reg. No. 32 549 Reg. No. 36 589 Reg. No. 31 257 Reg. No. 24 949 Reg. No. 40 957 Reg. No. 40 694 Reg. No. 37 782

Encl: Form PTO-1449 and reference cited thereon  
Check (\$240)  
Postal Card

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